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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/862,979      | 05/21/2001  | Clive E. Olive       | 109433              | 7892             |

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EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 08/27/2002

#7

Please find below and/or attached an Office communication concerning this application or proceeding.

DECLASSIFIED BY ORIGINATING AGENCY  
**CONFIDENTIAL**

III

**Office Action Summary**

Application No.

09/862,979

Applicant(s)

OLIVE, CLIVE E.

Examiner

Stephen M. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, how is the phrase "exhaust gas" intended to relate to the previously claimed exhaust (see claim 1, line 1)? In claim 1, line 3, how is the phrase "exhaust nozzle" intended to relate to the previously claimed exhaust nozzle' (see claim 1, line 2)? In claim 1, lines 6 and 7-8. The phrase "the exit plane" lacks an antecedent. In claim 1, line 5, use of the phrase "characterized in that" makes the claim indefinite. Claim language must be calmed in terms of the structural elements and their inter-relationship and not some characterization thereof. In claims 5-8, what structural elements are intended to correspond to the claimed "a reheat system" provided in the duct means? In claims 13-16, what portion or configuration of the shroud serves to minimize the radar and infra-red signatures as recited in claims 13-16?

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace Jr..

Wallace Jr. disclose a nozzle arrangement. For a gas turbine engine comprising:

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- a) an exhaust nozzle, 56
- b) a shroud with exit aperture, 18
- c) duct means, and 38
- d) inner and outer ducts. 50, 58

4. Claims 1-3, 5-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Madden.

Madden discloses a nozzle arrangement for a gas turbine engine comprising:

- a) an exhaust nozzle, 22,24
- b) a shroud with an exit aperture, and 4,8
- c) duct means. 22,28,25

5. Claims 1-3, 5-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Syltebo.

Syltebo discloses a nozzle arrangement for a gas turbine engine comprising:

- a) an exhaust nozzle, 76a, 78a
- b) a shroud with exit aperture, 12,14,34,36
- c) duct means, and 76, 78
- d) inner and outer ducts. 76a, 76b, 76c,  
78a, 78b, 78c

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Helmtoller Jr. et al.

In view of Hull Jr. et al. Or Haberkorn et al..

Helmtoller Jr. et al. Discloses a nozzle arrangement for a gas turbine engine comprising:

- a) an exhaust nozzle, 56,52
  - b) a shroud with exit aperture, and 20
  - c) duct means including inner and 64,74
- outer ducts.

Helmtoller Jr. et al. Apply as recited above. However, undisclosed is an exhaust nozzle whose exit plane is upstream of the exit aperture of the shroud when in a retracted position. Hull Jr. et al, (see fig. 4) and Haberkorn et al. (See fig.2) each teach an exhaust nozzle whose exit plane is upstream of the exit aperture of the shroud when in retracted position.

Applicant is substitution one assemble configuration for another in an analogous art setting. It would have been obvious for a person of ordinary skills in this art at the time of invention to apply the teachings of Hull Jr. et al. or Haberkorn et al to the Helmtoller Jr. et al. Nozzle arrangement and have a nozzle arrangement whose exit plane is located upstream in the retracted position.

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8. Claims 4, 8, 12, and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Presz Jr., Medawar et al, Baerreseu et al, Nash, and Shaw disclose other state of the art nozzle arrangements.

10. Any inquiry concerning this communication should be directed to Stephen M. Johnson at telephone number 703-306-4158.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Johnson/jcs

08-15-02